IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 346 of 1997
Date of Decision: 7.2.2007

Union of India and another ...Petitioners

Versus

M/s Mahan Industries and another ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Ms. Deepali Puri, Advocate, for the petitioners.

Shri Hemant Saini, Advocate, for the respondents.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the orders passed by the Courts below, whereby the award dated 24.5.1994 was ordered to be made Rule of the Court and the objections filed by the petitioner to the effect that Court at Jalandhar had no territorial jurisdiction to entertain the petition for making the award as Rule of the Court, was declined.

The respondent herein was granted contract for provision of air conditioning of certain buildings at Chandigarh on 13.5.1983. The contract was accepted at Chandigarh and the work was to be executed near Chandigarh. The dispute between the parties was referred to arbitration of Shri R.C. Tripathi, Superintending Engineer acting as sole Arbitrator, who published his award on 25.5.1994. The respondent filed an application for making the said award as Rule of the Court at Jalandhar i.e. the place where the Arbitrator conducted the proceedings. The objections filed by the petitioner that the Jalandhar Court had no territorial jurisdiction, has been declined on the ground that Shri Tripathi was posted as Superintending

Engineer, Jalandhar Cantt. and the proceedings were conducted at Jalandhar, therefore, the Court at Jalandhar had territorial jurisdiction to entertain the application.

The learned appellate Court affirmed the said order and found that no objections have been filed against the award and that no prejudice has been caused to the appellants even if the Courts at Jalandhar had no territorial jurisdiction to entertain the application.

Learned counsel for the petitioner vehemently contended that the Jalandhar Court had no territorial jurisdiction to entertain the application for making the award as Rule of the Court. Reliance is placed upon the Supreme Court judgment reported as **A.B.C. Laminart Pvt. Ltd. and another v. A.P. Agencies, Salem AIR 1989 SC 1239.**

It is the admitted fact that the Arbitrator conducted the arbitration proceedings at Jalandhar. Jalandhar and Chandigarh, both the Courts are within the territorial jurisdiction of this Court. It could not be pointed out that the action of the respondent in making the application for making the award as Rule of the Court at Jalandhar was actuated by some mala-fide. Learned counsel for the petitioner could not point out any prejudice suffered by the petitioner in filing of the arbitration award at Jalandhar.

Thus, I do not find any patent illegality or irregularity in the impugned orders, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

07-02-2007 (HEMANT GUPTA)
ds JUDGE